

MT LEGISLATIVE HISTORY

Chapter 179 1965

Bill (H) 128 S _____

Original bill & hist. ____C

H. Committee on Townships and Counties

S. Committee on Judiciary

Hearing Date(s) Jan 20 ✓C

Hearing Date(s) Feb 24 ✓C

Jan 22 ✓C

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Jan 29 ✓C

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Date Out Jan 29 ✓C

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Did this bill originate in an interim committee? ____Yes ____No

Committee _____

Report _____

TOWNSHIPS AND COMMITTEES

January 20, 1965 - Meeting at 12:30 PM - 1st Meeting

The first meeting of the Townships and Counties Committee was held at 12:30 PM with Chairman Twedt presiding and with a quorum present. Mr. John Leuthold was present also.

Chairman Twedt stated that the Committee now has 8 printed Bills. He further said that if agreeable they would meet about 12:30 PM, and that if this is not workable, they can decide on another time.

The Chairman then took up House Bill No. 104, at which time Mr. John Leuthold, Representative of Stillwater County and principal author of the Bill, introduced himself and explained the Bill.

At the conclusion Chairman Twedt asked if there were any questions, after which there was a discussion by Messrs. Asbjornson, Leuthold, Twedt and Hanks as to the word "shall" in paragraph 7 of Page 2.

Chairman Twedt then stated that if no further questions, the Committee would take up action on H.B. 104. It was moved by Representative Maccage that it pass. It was seconded by Representative Asbjornson. The Chairman asked if there were any further discussion, which there was not, so the Bill was unanimously passed.

The Chairman then read House Bill No. 111. He then stated that Mr. Healy has one or two persons who want to testify on this, and that if he could be here on Friday the Committee will explain this Bill. Here followed a brief discussion re. the Bill by Chairman Twedt, Reps. O'Hair, Asbjornson and others. Then it was agreed to take up this Bill on Friday.

Rep. Twedt then read H. B. 128. Chairman Twedt then asked Rep. O'Hair if it would be alright with him if they took up this Bill on Friday; he also asked if he would want to give a little background on the Bill. Rep. O'Hair explained the Bill.

Chairman Twedt next took up H.B. 132, reading it and explaining

JUDICIARY COMMITTEE MEETING - February 24, 1965
Senator Mahoney, Chairman
Senator Dussault, Vice Chairman

The meeting was called to order by the Chairman, Senator Mahoney. All of the committee members were present.

Appearing before the committee in support and as a sponsor of House Bill No. 430 was William Mather, Representative from Musselshell County. He told the committee that the purpose of his bill was to provide that sheriffs and their deputies may issue citations for traffic offenses and to provide for a penalty for failure to appear. He said that this bill was requested by sheriffs and peace officers and it amends the present law to include only uniformed officers. Bob Durkee, representing the Montana Sheriffs and Peace Officers, also appeared before the committee in support of this bill.

Allyn O'Hair, Representative from Park County, appeared before the committee in support and as a sponsor of House Bill No. 128. He informed the committee that the purpose of his bill was to amend a section of the present law to provide for payment of costs of medication, medical services and hospitalization incurred by prisoners. Bob Durkee, representing the Montana Sheriffs and Peace Officers, also appeared before the committee in support of this bill.

Francis Bardanoue, Representative from Blaine County, appeared before the committee in support and as a sponsor of House Bill No. 469. He told the committee that the purpose of his bill was to amend a section of the present law to require local registrars to send copies of death certificates to certain county clerk and recorders in certain cases. Appearing before the committee in opposition to this bill were John Wilson, Helena, from the office of the State Registrar of Vital Statistics, and Helen Kovich, the Helena County Clerk and Recorder.

Appearing before the committee in support and as a sponsor of House Bill No. 462 was John Hall, Representative from Cascade County. He informed the committee that the purpose of his bill was to amend a section of the present statute, which relates to notice of mortgages or encumbrances of real property and would provide for constructive notice of conveyances or real property executed and recorded prior to acquiring an interest in such real property. Also appearing in support of this bill were the following persons: Robert P. Gaither, building contractor from Great Falls; Bob Brown from Land Title Guaranty Co. of Great Falls; Milo R. Janacek, President of Title Guaranty Co. of Missoula, and Jean D. Abrams, Secretary-Treasurer of Title Guaranty Co. of Missoula. Mr. Hall presented a letter from the law firm of Church, Harris, Johnson & Williams from Great Falls, in support of this bill. Six telegrams were received by the Chairman of the Committee in support of House Bill No. 462.

No action was taken on these bills at this time. Senator Dussault seconded by Senator McDonnell, that the meeting be adjourned.

JUDICIARY COMMITTEE MEETING - February 24, 1965
Senator Mahoney, Chairman
Senator Dussault, Vice Chairman

The meeting was called to order by the Chairman, Senator Mahoney. All of members were present.

After consideration of House Bill No. 30, Senator Dussault made a motion and was seconded by Senator Huntley that the committee recommend that House Bill No. 30 be concurred in. The motion was carried.

After consideration of House Bill No. 72, it was moved by Senator Cumming, seconded by Senator Turnage, that the committee recommend that House Bill No. 72 be not concurred in. The motion was carried.

After consideration of House Bill No. 128, Senator McDonnell made a motion seconded by Senator Cumming, that the committee recommend that House Bill No. 128 be concurred in. The motion was carried.

After consideration of House Bill No. 155, Senator Huntley made a motion and was seconded by Senator Turnage that the committee recommend that House Bill No. 155 be concurred in. The motion was carried.

After consideration of House Bill No. 238, it was moved by Senator Turnage seconded by Senator Huntley that the committee recommend that House Bill No. 238 be concurred in. The motion was carried.

After consideration of House Bill No. 239, Senator Turnage made a motion and was seconded by Senator McDonnell that the committee recommend that House Bill No. 239 be concurred in. The motion was carried.

After consideration of House Bill No. 243, the following amendments were proposed: Amend the title on page 1, lines 8 and 9 of the original bill, by striking the word "FELONY" and inserting in lieu thereof the word "MISDEMEANOR" and after the semicolon by striking the following words and punctuation: "PROVIDING A PENALTY THEREFORE;"; Further amend the title on page 1, lines 10 and 11 of the original bill, by striking after the semicolon the following words: "PERSONS ACTING FOR NEWS MEDIA;"; further amend on page 1, Section 1, line 18 of the original bill, being page 1, Section 1, line 3 of the printed bill, by striking the following words and punctuation: "the human voice,"; further amend on page 1, Section 1, line 20 of the original bill, being page 1, Section 1, line 5 of the printed bill, by striking the word "felony" and inserting in lieu thereof the word "misdemeanor" and striking the rest of the Section; further amend on page 1, Section 2, line 28 of the original bill, being page 2, Section 2, line 4 of the printed bill, by striking the following words and punctuation: "persons acting for news media;". Senator Huntley moved, seconded by Senator Turnage, that the amendments be adopted. The amendments were adopted. Senator McDonnell then made a motion and was seconded by Senator Cumming that the committee recommend that House Bill No. 243 be concurred in. The motion was carried.

Chairman Twedt: How many rural fire districts in Missoula County?

Rep. Haines: We have two. Missoula has a C. D. of 20,000. So far as I know this is the only Department of County government that doesn't have a mill levy. The trustees are elected more or less the same as school districts. Whatever they want to spend they take it to the County Commissioners and the County Commissioners have to levy it.

Chairman Twedt: Mr. Stephens, do you have any objection to it?

(Here Mr. Stephens apparently answered in the negative).

Chairman Twedt: We will now take up H.B. 144.

(Here he introduced Mr. Schepens, one of the authors of the Bill. Mr. Schepens explained the Bill and said some professional witnesses were present -- Mr. Stevens and Mr. Rustad.

(Mr. Stevens of Chinook presented the testimony and said they certainly need the extra 4 mills. Mr. Kenneth Rustad commented that about 4 years ago they were told that they need the additional 4 mills. Mr. Rustad further said: "At the time of re-classification they presented this to Mr. Fulton of the State Board of Equalization".

(Here Mr. Stevens and Mr. Rustad were excused)

Chairman Twedt: Are there any questions anyone wishes to ask Mr. Schepens?

(There was no further discussion and Mr. Schepens left the meeting)

Chairman Twedt: We will take up H.B. 128 next, by Mr. O'Hair and others.

(Mr. Bob Durkee, who wanted to appear on this Bill, entered the meeting here.)(Stated he represented Mont. Sheriffs & Peace Officers)

(Here Mr. O'Hair explained the Bill)

Mr. Durkee: It doesn't involve a great deal of money or a lot of cases but this would be a burden on the county. The Patrol will leave the person for several days and

the Sheriff will hospitalize the person and the County has to bear the burden of the expense.

Chairman Twedt: Is there a great amount of money that would be involved in this?

Mr. Durkee: No, but the Sheriffs say 'several times' throughout the years it occurs.

Chairman Twedt then asked if he knew of any instance where the Sheriff asked the Highway Patrol or someone else to pay the expense.

Here there were brief questions by some of the members and Mr. Aasheim stated, "It doesn't seem that it should come out of highway funds; it doesn't seem fair.

Mr. Durkee: The Welfare Department does recognize this but this is in cases of arrest.

Mr. Aasheim: Why should it be the Highway Patrol?

Mr. Durkee: It could be basically some other name.

Mr. John McKeon: If it is the federal government, you can get your funds. Right now we have no funds for this. It goes broader than just making it a matter against the State.

Chairman Twedt: This would seem to apply to Citizens Arrest?

Mr. McKeon: No.

Chairman Twedt: It would be the County then?

Mr. McKeon: It applies to any agency that causes a man to be placed in jail.

Chairman Twedt: You have enumerated Highway Patrol and federal prisoners.

Mr. McKeon: There are others (here lists them)

The question arose from some Committee Member: "A

Mr. Hanks: Would you say that federal money was available but could not be obtained now?

Mr. McKeon: We need something so that we can bill it; otherwise the obligation is directly upon the County.

Chairman Twedt: This makes it possible for the County to make claim against the Agency that is involved?

Mr. McKeon: Yes, that's right. (explains further, re. if he is a transient, this is for the fellow that you get picked up, thrown into the county jail and requires some expensive medical care.)

Chairman Twedt: Do you envision this could possibly bring about disputes between the various enforcement agencies empowered to make arrests?

Mr. McKeon: No, I don't envision that.

Mr. Rehberg: Has the Highway Patrol been contacted?

Mr. Durkee: No.
(Brief questions and answers)

Chairman Twedt: Any further questions? Well, thank you, Gentlemen, for coming in. (They leave.)

Chairman Twedt: We have 15 minutes until we go in Session. I would like to go through these Bills we took up and see if we can take action on any of them today.
First -- H.B. 111 as presented by Mr. Healy. Is there any objection on the part of anyone on taking action on it?

(Here it was moved by Rep. Rehberg and seconded by Rep. O'Hair that
H.B. 111 be passed by the Committee.

Chairman Twedt: Now H.B. 132 -- are there any objections regarding this Bill? It was moved by Rep. Meccage and seconded by Rep. Smith that H.B. 132 be passed by this Committee.

Chairman Twedt: H. B. 144 -- are there any objections on this Bill?
It was moved by Rep. Rehberg and seconded by Rep. O'Hair that

TOWNSHIPS AND COUNTIES

May 29, 1956 - Fifth Meeting - - - 12:30 P.M.

Chairman Twedt called the meeting to order with a quorum present.

The Chairman stated that there would be a discussion on Bills 148, 149, 128 and 371 and then go into closed committee session and take action on them.

Rep. Twedt stated they talked to some of the Highway Patrol re. Bill 128 that they weren't concerned about it (Bill concerning a prisoner brought to the expense of the County). Now, re. Bill 148 (here he reads the Bill). Here a discussion by Reps. Twedt, O'Hair, Asbjornson and others about this Bill.

Rep. Twedt: There are many things involved in this Bill.

Motion made by Rep. Spilde, seconded by Rep. O'Hair that this Bill do not pass. MOTION CARRIED.

Rep. Twedt: Now, as to H.B. 149 (reads it). We postponed action on this Bill until the people who requested to be heard, could be heard.

Motion made by Rep. Meccage, seconded by Rep. Asbjornson that this Bill do pass. MOTION CARRIED.

Rep. Twedt: Motion is in order re. Bill 128.

Motion by Rep. Holtz, seconded by Rep. Meccage, that H.B. 128 do pass MOTION CARRIED.

Mr. Asbjornson excused.

Rep. Twedt: Now we will take up H.B. 371. We had a preliminary hearing on Wednesday on this and several questions arose and there has been an amendment proposed.

Mr. William Scribner, Attorney from Helena, introduced himself and spoke on behalf of the Montana Taxpayers Association. He stated that Mr. Keith Anderson already appeared on this. He stated he did want to register opposition to this Bill, saying he thinks it is ambiguous in a number of respects. He said that every time a situation occurred which was declared an emergency, then the 2 mills could be imposed. He also stated that the definition of emergency under this Bill would include just about anything so long as the committee declared it. He further said the definition was not properly done. For example, he stated a paragraph which would open the gate to

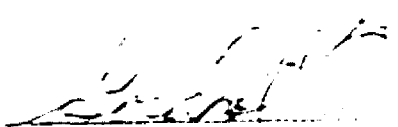
Jan. 28,

Respectfully report as follows: That your Committee on TOWNSHIPS AND COUNTIES
having had under consideration HOUSE Bill No. 128

**A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 16-2818,
R.C.M., 1947, TO PROVIDE FOR PAYMENT OF COSTS OF MEDICATION,
MEDICAL SERVICES AND HOSPITALIZATION INCURRED BY PRISONERS."**

Respectfully report as follows: That HOUSE Bill No. 128

Do Pass


Gordon R. Tweed

receiving the report shall forthwith transmit such report to the county attorney of the county in which it appears such injury or injuries or wilful neglect were suffered, and the county attorney of the latter county shall immediately cause to be made the investigation herein referred to. In making such investigation of the report, the county attorney may utilize the services of the county welfare department and all other departments of his county. The investigation shall be made into the home of the child involved and into the circumstances surrounding the injury of the child, and into all other matters which, in the discretion of the county attorney shall be relevant and material to said investigation.

Immunity
from liability.

Section 4. **Immunity from liability.** Any one participating in the making of a report pursuant to the provisions of this act or participating in a judicial proceedings resulting therefrom shall be presumed to be acting in good faith and in so doing shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed, unless the person acted in bad faith or with malicious purpose.

Admissibility
of evidence.

Section 5. **Admissibility of evidence.** In any proceeding resulting from a report made pursuant to the provisions of this act or in any proceeding where such a report or any contents thereof are sought to be introduced into evidence, such report or contents thereof or any other fact or facts related thereto or to the condition of the child who is the subject of the report shall not be excluded on the ground that the matter is or may be the subject of a physician-patient privilege or similar privilege or rule against disclosure.

Approved March 4, 1965.

CHAPTER 179

An Act to Amend Section 16-2818, R. C. M. 1947, to Provide for Payment of Costs of Medication, Medical Services and Hospitalization Incurred by Prisoners.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 16-2818, R. C. M. 1947, is amended to read as follows:

"16-2818. **Sheriff to receive all persons duly committed.** The sheriff must receive all persons committed to jail by competent authority, and provide them with necessary food, clothing, and bedding, for which he shall be allowed a reasonable compensation, to be determined by the board of county commissioners, and, except as provided in the next section, to be paid out of the county treasury. *If in the opinion of the sheriff any prisoner requires medication, medical services or hospitalization, the expense of the same shall be borne by the agency or authority at whose instance the prisoner is detained when the agency or authority is not the county wherein the prisoner is being detained.*"

Sheriff to receive
all persons duly
committed—
medical service.

Approved March 4, 1965.

CHAPTER 180

An Act Concerning Per Diem and Reimbursement for Expenses of Members of the Legislative Assembly; Amending Section 43-310, R. C. M. 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 43-310, R. C. M. 1947, is amended to read as follows:

Amending clause.

"43-310. (1) Members of the legislative assembly hereafter elected shall receive twenty dollars (\$20.00) per day, payable weekly, during the session of the legislative assembly, and eight cents (8¢) per mile for each mile of travel to and from their residences and the place of holding the session, by the nearest traveled route.

Compensation.

(2) *Members shall also receive fifteen dollars (\$15.00) per day, payable weekly during the session of the legislative assembly, as reimbursement for expenses incurred in attending the session.*"

Expense
reimbursement.

Approved March 4, 1965.

CHAPTER 181

An Act Specifying Conditions Under Which Forfeiture of Bail or Deposit Instead of Bail Shall be Discharged; Amending Section 94-8704, R. C. M. 1947.